

OFFICE OF THE CLERK  
**UNITED STATES COURT OF APPEALS**  
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN  
CLERK

JOHN JOSEPH MOAKLEY  
UNITED STATES COURTHOUSE  
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**NOTICE OF PROPOSED AMENDMENT TO LOCAL RULE 33.0(d)**

The United States Court of Appeals for the First Circuit hereby provides notice that it proposes the attached amendment to Local Rule 33.0(d) ("Non-Compliance Sanctions"). Additions are noted in *italic* print. The proposed amendment warns counsel that the court may impose sanctions upon a failure of a party or attorney to comply with the provisions of the Civil Appeals Management Plan, Loc. R. 33.0, or the notice of settlement conference.

The Court of Appeals invites public comments on the proposed amendments. Comments should be received by July 23, 2007, and addressed to:

Office of the Clerk  
U.S. Court of Appeals for the First Circuit  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, Massachusetts 02210

June 22, 2007

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Richard Cushing Donovan

### **Local Rule 33.0. Civil Appeals Management Plan**

#### **(d) Non-Compliance Sanctions.**

- (1) If the appellant has not taken each of the actions set forth in section (a) of this Program, or in the Conference Order, within the time therein specified, the appeal may be dismissed by the Clerk without further notice.*
- (2) Upon the failure of a party or attorney to comply with the provisions of this rule or the provisions of the court's notice of settlement conference, the court may assess reasonable expenses caused by the failure, including attorney's fees; assess all or a portion of the appellate costs; dismiss the appeal; or take such other appropriate action as the circumstances may warrant.*